

OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER

MANAGEMENT COMMISSION

MEETING

REPORT OF MEETING

HELD AT

BATON ROUGE, LOUISIANA

NOVEMBER 22, 2002

OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER

MANAGEMENT COMMISSION

MEETING

Report of the public meeting held by the Ground
Water Management Commission, State of Louisiana, on
November 22, 2002, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:

Karen Gautreaux, Chairman

Jim Welsh, Commissioner of Conservation

Zahir "Bo" Bolourchi, DOTD - Water Resources

William "Bill" Cefalu, Police Jury Association

Richard Durrett, Sparta Groundwater Conservation Dist.

Steve Chustz, DEQ

Brad Spicer, Agriculture & Forestry

John Roussel, Assistant Secretary Wildlife & Fisheries

Linda Zaunbrecher, Farm Bureau Member

Len Bahr, Governor's Office of Coastal Affairs

Mike Taylor, Department of Economic Development

Dean Lowe, Department of Health and Hospitals

AGENDA

- I Call to Order - Karen Gautreaux, Governor's
Office
- II Update on Staff Activities - Tony Duplechin
- III Update on Advisory Task Force Activities
- IV C.H. Fenstermaker and Associates - Commission
Question and Comment
- V Old Business
- VI New Business
- VII Public Question and Comment
- VIII Schedule for Next Meetings
- IX Adjourn

GROUND WATER MANAGEMENT COMMISSION MEETING

NOVEMBER 22, 2002

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COMMISSIONER GAUTREAUX:

I'd like to welcome everyone to our 14th meeting of the Louisiana Ground Water Management Commission, and I'll call us to order, and I'll ask the members to introduce themselves for the record.

COMMISSIONER CHUSTZ:

Steve Chustz with the Department of Environmental Quality.

COMMISSIONER ZAUNBRECHER:

Linda Zaunbrecher with Louisiana Farm Bureau.

COMMISSIONER BAHR:

Len Bahr with Governor Foster's office.

COMMISSIONER BOLOURCHI:

Bo Bolourchi, DOTD.

COMMISSIONER TAYLOR:

Mike Taylor, Department of Economic Development.

COMMISSIONER WELSH:

I'm Jim Welsh, Commissioner of Conservation, Office of Conservation, Department of Natural Resources.

COMMISSIONER GAUTREAUX:

Karen Gautreaux, Governor Foster's office.

COMMISSIONER SPICER:

Brad Spicer, Louisiana Department of Agriculture and Forestry.

COMMISSIONER ROUSSEL:

John Roussel, Department of Wildlife and

1 Fisheries.

2 COMMISSIONER LOWE:

3 Dean Lowe, Department of Health and Hospitals.

4 COMMISSIONER CEFALU:

5 Bill Cefalu, Police Jury Association
6 representative.

7 COMMISSIONER DURRETT:

8 Richard Durrett, Sparta Ground Water Conservation
9 District.

10 COMMISSIONER GAUTREAUX:

11 Thank you. I would like to start before the
12 Update on Staff Activities by thanking the
13 Commissioners and Task Force members who came to
14 Ruston with us for the public meeting on -- public
15 hearing, rather, on critical groundwater designation,
16 the application that Sparta has submitted to the
17 Commission, and thank Mr. Durrett for helping with
18 those arrangements, and commend the Staff for doing
19 such a good job in setting up. Everything was very
20 smooth and efficient and much appreciated. Steve was
21 there, Linda, Mike, John, Dean, and of course, Mr.
22 Durrett. Anybody else that I missed? Again, a number
23 of our Task Force members, you were much appreciated.

24 All right, Tony, do you want to start with the
25 update?

26 MR. DUPLÉCHIN:

27 Yes, thank you. During the past month we
28 received an additional 18 water well information
29 sheets, so the total number we have received since day
30 one is 568. As far as the website goes, we have

1 continued to update it putting Commission meeting
2 transcripts and summaries on and summaries of the Task
3 Force meetings, announcements, and agendas for
4 upcoming meetings. In addition we have updated
5 information concerning the initial public hearing on
6 the Sparta application. The transcript will be posted
7 as soon as it becomes available, and we hope by early
8 next week to have the audio files of the transcript
9 posted on the website as well.

10 With respect to the Sparta hearing, the initial
11 hearing was held this past Tuesday in Ruston High
12 School -- in Ruston at the high school auditorium.
13 Since the comment period is open until the 19th of
14 December, we cannot discuss the merits of the hearing
15 at this time. I can tell you that it was well
16 attended with between 350 and 500 people in
17 attendance, it depends on which newspaper article you
18 read, and some 45 individuals made statements. And
19 I've included in your packets today copies of two
20 newspaper articles from the hearing, one from the
21 Ruston Daily Leader, which made the front page, and
22 the other one, other article was from the Monroe News-
23 Star.

24 During the past month Tim Seiler of my staff
25 attended a meeting of the Non-Point Source Committee
26 at DEQ. He also met with State Climatologist Jay
27 Grymes to discuss work that the Office of State
28 Climatology has been doing in developing a drought
29 response plan, and to discuss possible agency
30 cooperation should a new water management agency be

1 created by the Legislature next session.

2 I had several opportunities to address a number
3 of groups about the work that the Commission, Task
4 Force, and Staff have been doing. Chairman Gautreaux,
5 Commissioner Spicer, Dr. Bruce Darling, and I took
6 part in a panel discussion for the Mid-Continent Oil
7 and Gas Association's Environmental Conservation
8 Council at their annual meeting. I also made a
9 presentation to the Louisiana section of the Air and
10 Waste Management Association at their fall conference.
11 Finally, I took a day and drove up to Homer, not
12 Houma, in Claiborne Parish and met with members of the
13 Police Jury up there.

14 My staff and I have spent a lot of time during
15 the past month preparing for the hearing that was held
16 in Ruston this past Tuesday, which included trips to
17 Ruston to meet with the Ruston High School
18 administration. I will be sending a letter to Ruston
19 High School principal, Dr. Charles Scriber, thanking
20 him for the use of the school's auditorium and asking
21 him to convey our thanks to Assistant Principal David
22 Crowe and Mr. Walter Moss, the Ruston High School band
23 director, for their help. I would especially like to
24 thank Commissioner Durrett for all the work he did in
25 helping us get the auditorium for this hearing. That
26 concludes our report.

27 COMMISSIONER GAUTREAUX:

28 Thank you. I would also like to mention that
29 Phil Boudreaux represented Conservation, DNR, at that
30 meeting. I omitted him earlier in the list of

1 Commissioners. The next item is the Update on
2 Advisory Task Force Activities.

3 MR. DUPLÉCHIN:

4 The Advisory Task Force met yesterday afternoon
5 at the Nelson Memorial Building on the LSU campus.
6 The main opportunity at that meeting was for members
7 of the Task Force to ask our consultants, C.H.
8 Fenstermaker and Associates, questions about what they
9 have submitted so far for their Part II deliverable on
10 their contract, but not very many questions, if any,
11 were asked at that time.

12 One concern did come up about the amount of time
13 that members of the Task Force and Commission had to
14 review this submittal, and I explained that we were
15 under some time constraints with getting all of our
16 work done, both in reviewing this and getting the plan
17 for implementation of the groundwater -- of the
18 statewide water management system in place to the
19 Legislature before January 1st of 2003. Senator Fred
20 Hoyt was in attendance yesterday afternoon, and he
21 said that it would probably not be a problem if the
22 plan, the implementation plan, was submitted after the
23 first of January, but some time during the month, say
24 around the 15th. So we intend to have, as it were, a
25 draft to them, to the Capitol by the first, and
26 hopefully get the final implementation plan to them by
27 the 15th of the month.

28 COMMISSIONER GAUTREAUX:

29 I think it's really important for us to meet our
30 legislative deadline. We can certainly flush out or

1 refine after that, but we definitely want to adhere to
2 that one. And several Commissioners have expressed
3 the same sentiment. I would like to also mention that
4 one of the items that was brought up was the role of
5 the Policy Committee, which had been discussed as
6 possibly being chairs -- composed of the chairs of the
7 subcommittees and others, and we do agree that the
8 Policy Committee should play an increasing role as we
9 refine what we're proposing and move through the
10 legislative process, assuming there are legislative
11 recommendations, which I think there will be. So
12 we'll be working with the chairs, as well as the other
13 Task Force members, throughout the process.

14 The next item on the agenda are questions and
15 comments regarding -- the other thing that came up,
16 and that's also relevant to this item on the agenda,
17 you have in digital form all but I think -- pretty
18 much all but three chapters, or near to final, of
19 course, still pending comments and revisions made from
20 those comments and questions. But we'll ask people to
21 -- we understand that it's an extremely tight schedule
22 between now and the deadlines, but if you could really
23 focus on reading the chapters that are pretty well
24 completed right now, and then read the last as they
25 arrive shortly, you'll hear more about those expected
26 arrivals in a minute. But if you could do that, that
27 might minimize the crunch time. I understand,
28 especially with the holidays, it is a crunch time, but
29 we appreciate your persistence and efforts.

30 The next one, do we have any -- Brad, would you

1 like to say anything?

2 MR. HAMILTON:

3 We are proceeding with great vigor, I guess, on
4 the final completion of the chapters. Chapter 11 is
5 pretty much substantially complete. There are a few
6 small revisions to be added to it. Chapter 7 has gone
7 a pretty good -- undergone a pretty good rewrite on
8 some of the information we're providing there.
9 Chapter 8 is complete in our office, virtually
10 complete. And based on what we were hearing
11 yesterday, if you feel like it's important, we can
12 release some of these things electronically with the
13 caveat that there may be some misspellings, there may
14 be some typos, there maybe some more formatting to be
15 done by the time the final product comes out. If it's
16 understood among everybody that this is one of those
17 deals that, hey, we haven't QC'd this thing yet, we'd
18 be happy to release those as we complete them. We
19 have no problem with that.

20 COMMISSIONER GAUTREAUX:

21 I think the sooner you can get it out -- I think
22 everyone understands the technical --

23 MR. HAMILTON:

24 And we do, too, so we will do what we can. For
25 everyone's information, in the appendices we will
26 include a sample legislation. It will probably be 60
27 or 70 pages of sample legislation, and also a sample
28 of an emergency use and contingency plan will be
29 included in this document. So to say that the
30 chapters are almost complete is at this point in time

1 is pretty close to the truth. We still have some work
2 to do on chapter 9 and finishing up some of the other
3 details, but we're rolling along.

4 I think our next deadline with the Commission is
5 to meet with y'all on the 4th of December, and we will
6 make a presentation at that point in time. We will
7 try to cover some issues that have not been covered
8 yet by any of our presentations, some of the things
9 that we're working on right now. We will revisit
10 anything else that you feel like you want -- wants to
11 be revisited at that time. The holdup is, I guess, in
12 really producing the actual paper manuals, with the
13 meeting on the 4th, which is -- I believe that's a
14 Friday, or a Thursday, we had intended to have in
15 everybody's hands the following Monday paper copy of
16 the document, so that you will have about -- I want to
17 say about eight or nine days to physically review that
18 before the 13th meeting. But in lieu of what took
19 place yesterday, we'll try to slip some of these
20 chapters out ahead of time, kind of like chapter 8 was
21 sent around a little bit. With that, we'll just turn
22 it over to questions.

23 COMMISSIONER GAUTREAUX:

24 What I did encourage the Task Force members to
25 do, and I encourage the Commissioners to do as well,
26 as you read the earlier chapters, please feel free to
27 electronically share your observations, questions, or
28 comments so you might stimulate some thought that we
29 can follow up with at our meeting.

30 Are there any questions or comments from the

1 Commissioners regarding the draft or the schedule?

2 COMMISSIONER DURRETT:

3 You want to talk about the draft in particular?

4 Are you asking for questions on it?

5 COMMISSIONER GAUTREAUX:

6 Right. Do you have any questions or comments?

7 COMMISSIONER DURRETT:

8 Yeah, I have a couple of comments. First of all,
9 in chapter 7 that we have, I think some of the points
10 in here are very good. I agree with what you're
11 saying in there, especially when you talk about
12 awareness of water use. I don't think most people are
13 aware of how much water they actually use, retrofit
14 plumbing. And most importantly on the last page where
15 you say inverted water rates. I think that's one of
16 our biggest problems, is the more water we use, the
17 less it costs per gallon or per thousand gallons.
18 That doesn't encourage much conservation.

19 I do have a question in chapter 8, 8.1, you make
20 the statement that rather than adopt a one-size-fits-
21 all approach to water management, planners should
22 strive to select strategies that are most appropriate
23 for the regions. And then you go on over and you talk
24 about your regional approach. Now, I'm a little
25 confused. Are we conflicting what we're saying right
26 there, or what are we saying?

27 MR. DARLING:

28 No. What we're trying to do, first off, is by
29 noting that the strategies have really got to be
30 selected to the most appropriate per regions, you have

1 to look at the problems that are specific to that
2 particular region in order to select a strategy or a
3 technology that would solve those problems most
4 effectively and most economically. What we're trying
5 to do beyond that is, if you'll look at the graphs, we
6 have a statewide graph, and then we have divided the
7 state up into regions. And so we show what the PFA
8 action grids are for each one of the regions, with an
9 effort -- that's an effort to see whether or not there
10 is a distinct difference between the way that the
11 respondents from Regions 1, 2, and 3 ranked the
12 different strategies.

13 So what we're really trying to do at this point
14 is determine whether or not there are really any
15 discernible differences in the way that Louisianians
16 view the applicability or the desirability of
17 different management strategies within their own
18 regions.

19 MR. HAMILTON:

20 I would like to add that a strategy that works in
21 one region may be totally inappropriate for another
22 region, so we don't want -- we want strategies
23 available to pick and choose from, but we don't want
24 to try to impress a statewide uniform strategy on
25 everybody unless it's something on the order of
26 conservation. Those types of things should be
27 statewide, but there might be other strategies that
28 are only applicable to certain regions.

29 COMMISSIONER DURRETT:

30 Speaking of regions, in, say, 1123, or the map

1 after 1123 that shows your recommended regions.

2 MR. DARLING:

3 Right. That's been amended.

4 MR. HAMILTON:

5 Before you say anything.

6 COMMISSIONER DURRETT:

7 Do you want to say something first?

8 MR. DARLING:

9 Yes. Initially when this was put together the
10 north Louisiana or Region 1 was divided into two
11 regions, and I guess at my urging that was made one
12 region. The boundary that you see here which divides
13 the northwest groundwater district from the northeast
14 groundwater district has been removed. North
15 Louisiana is now one district under the revised map.

16 COMMISSIONER DURRETT:

17 That was my question because it split the Sparta
18 right down the middle, and I didn't understand.

19 MR. DARLING:

20 That was my concern, too.

21 COMMISSIONER DURRETT:

22 That's all I have.

23 COMMISSIONER GAUTREAUX:

24 Any other questions or comments from our
25 Commissioners? Linda?

26 COMMISSIONER ZAUNBRECHER:

27 Yes. So four districts, rather than the three we
28 had talked about?

29 MR. DARLING:

30 Yes, Linda, there are four districts, all of

1 which lie within the boundaries of the respective
2 regions we've talked about. What we have really done
3 here, the only change here is that we have taken
4 Region 3, and we divided that into two districts
5 instead of one. There are some very significant
6 reasons we think that justify the division of Region 3
7 into two districts, not the least of which is that the
8 region we have down here that identifies the Greater
9 New Orleans District is primarily a surface water
10 district, and there are some very different
11 groundwater issues down there than we find up in the
12 region to the north.

13 MR. HAMILTON:

14 Let me add one more point to that. We are still
15 talking about three regions in the state from a
16 structure and from an agency structure standpoint that
17 we are trying to build, okay. It just turns out that
18 of those three regions, we are going to anticipate
19 that at least four groundwater districts, commissions
20 if you will, will be established. So there's probably
21 a little bit of confusion there. We're looking at
22 four districts which would be -- these would be
23 created by the legislature or something like that.
24 We're still only talking about three regions of the
25 state. It might be a little confusing.

26 COMMISSIONER ROUSSEL:

27 You said four districts? I thought it was five.
28 You just took one out, and I missed it.

29 MR. HAMILTON:

30 We took the north --

1 MR. DARLING:

2 We took -- the original division in Region 1
3 split the Sparta, which I was uncomfortable with, and
4 that reunifies the Sparta and allows the district to
5 look at the Sparta as a whole as opposed to something
6 that's divided along artificial political boundaries.

7 COMMISSIONER GAUTREAUX:

8 Richard?

9 COMMISSIONER DURRETT:

10 One other question, and I don't know exactly
11 where it is in here. You mentioned that there's been
12 no documented correspondence or work between Arkansas
13 and Louisiana regarding the Sparta. I'm not sure what
14 you meant by that.

15 MR. DARLING:

16 I don't think I meant there hasn't been any
17 documented correspondence. Can you show me where --

18 MR. HAMILTON:

19 I think what he was talking about is what's meant
20 there is there's no official -- at least we didn't
21 find any official agreements, if you will, concerning
22 the aquifers.

23 MR. DARLING:

24 What there is, Brad, is that the Arkansas
25 legislature passed in 1997 an act which granted the
26 Arkansas Soil and Water Conservation the authority to
27 negotiate interstate groundwater management agreements
28 with Louisiana, Arkansas -- Louisiana, Mississippi,
29 and Tennessee. The commission having been granted
30 that authority has I think at various times attempted

1 to approach Louisiana, but they've not -- nothing has
2 been established. So I think the intent here was to
3 say that even though this authority has been granted
4 to the ASWCC, nothing formal exists between Louisiana
5 and Arkansas.

6 Certainly there has been communication between
7 the Sparta Commission in Louisiana and the associated
8 commissions in Arkansas. They have worked together
9 cooperatively, but there is no formal authority
10 granted to any agency here in Louisiana to negotiate
11 any type of interstate management agreement with
12 Arkansas, which is something we are examining in one
13 of the chapters, by the way.

14 COMMISSIONER DURRETT:

15 I found where it says no documented efforts.

16 MR. HAMILTON:

17 We might need to reword that.

18 COMMISSIONER DURRETT:

19 But I think you're --

20 MR. DARLING:

21 Can you show me?

22 COMMISSIONER DURRETT:

23 It's on 10-5 at the bottom.

24 MR. DARLING:

25 10-5?

26 COMMISSIONER DURRETT:

27 Last sentence.

28 MR. DARLING:

29 Chapter 10-5. The lawyer wrote that.

30 COMMISSIONER DURRETT:

1 But you made the point I wanted to make. I think
2 Arkansas is ready to work together and I think we
3 haven't moved.

4 MR. DARLING:

5 Well, they have. I've called the people with the
6 Soil and Water Conservation Commission and also with
7 the Union County conservation boards, and I know that
8 they are very interested in working with Louisiana,
9 but we had to have something in the state that will
10 grant some body the authority here to negotiate what
11 it is that you need to have in order to have a formal
12 interstate management agreement.

13 COMMISSIONER DURRETT:

14 One other question. On the Technical Committee,
15 is that what ended -- do you call it the Technical
16 Committee? What was the name of the committee under
17 the state groundwater commission the way you had it
18 set up? The technical people?

19 MR. HAMILTON:

20 Are you referring to the --

21 COMMISSIONER DURRETT:

22 The structure. Sir?

23 MR. HAMILTON:

24 Are you referring to USGS, LGS?

25 COMMISSIONER DURRETT:

26 No, no. I'm saying, you recommend the people,
27 the type of people that will be in the technical group
28 as geologists and hydrologists.

29 MR. HAMILTON:

30 Hydrogeologist.

1 COMMISSIONER DURRETT:

2 Hydrogeologist, okay.

3 MR. DARLING:

4 It should be people who have some working
5 knowledge.

6 COMMISSIONER DURRETT:

7 I agree. I just wondered, should we add another
8 category to that?

9 MR. HAMILTON:

10 We are open to suggestions.

11 COMMISSIONER DURRETT:

12 Engineers?

13 MR. HAMILTON:

14 We -- let me say this, when we came up with our
15 budget figures, we are showing either engineer or
16 geologists in those positions. We certainly agree
17 with that. That's a good point.

18 COMMISSIONER DURRETT:

19 Okay. I assume we'll have a chance to ask some
20 more questions when they make their final
21 presentation?

22 MR. TAYLOR:

23 Karen, I just wanted to -- since you guys talked
24 about Arkansas for a second, I'd like the record to
25 show that Arkansas was at the public hearing and made
26 a statement basically pledging their corporation,
27 anything they can do to help. They've been down some
28 of these roads, and I was very appreciative of that.

29 COMMISSIONER GAUTREAUX:

30 I'm glad you mentioned that, Mike. Thank you.

1 MR. DARLING:

2 Mike, I know that from my conversations with
3 people in Arkansas that they are eager to do something
4 with Louisiana.

5 COMMISSIONER GAUTREAUX:

6 Any other -- Bo?

7 COMMISSIONER BOLOURCHI:

8 Bo Bolourchi, DOTD. Bruce, I can see there was
9 good reason for removing that boundary in north
10 Louisiana, for the reason that was already mentioned.
11 But I just want to bring to your attention that the
12 northeast Louisiana, the parishes -- especially the
13 parishes bounding the Mississippi River, they're in
14 a different hydrologic regime. They use primarily
15 Mississippi River Alluvial Aquifer, which is primarily
16 used for irrigation, and that's totally different than
17 what the situation is in the Sparta. In the northeast
18 during the irrigation season, the water level may drop
19 30'. As soon as the pumps are turned off, that water
20 comes back up to where it was. Totally different than
21 the Sparta situation.

22 The Sparta, primarily the water is used for
23 industrial and public supply. In the northeast it's
24 used for agricultural purposes. To me, mixing the two
25 is mixing apples and oranges when you come into --
26 because of a separate regime.

27 MR. DARLING:

28 Of course, we've had many discussions about that,
29 Bo, and I think at this time, although it might seem
30 like you're mixing apples and oranges, I'd like to

1 think that the districts are certainly capable of
2 understanding that the issues associated with the
3 Mississippi Alluvial Aquifer are different from those
4 of the Sparta. There's a tendency to want to set up
5 separate commissions for separate aquifers, but when
6 we look at how we broke this up in Louisiana, we
7 thought that it made more sense not just -- we're not
8 trying to lump them all together. We're making the
9 assumption that the people who will address this have
10 the -- are informed enough to separate the issues of
11 one aquifer from another so that they can formulate
12 proposals or recommendations to deal with individual
13 aquifers as they need to be.

14 So certainly we expect that the geologist or
15 engineers with the Commission would understand that,
16 and of course, working with the people in Region 1,
17 the people in Region 1 would also have that --
18 understand what those issues are. So we're not saying
19 that you lump them all together and treat them all the
20 same.

21 COMMISSIONER BOLOURCHI:

22 I would have thought that the boundary would have
23 been perhaps at the Ouachita River, because from the
24 Ouachita River to the Mississippi River, that's all
25 Alluvial, and I don't want to spend too much time on
26 it.

27 MR. DARLING:

28 But you're right. If there's an argument for
29 having a fifth district, it would be for the Alluvial
30 Aquifer in the north Louisiana area. As Brad also

1 pointed out, the Alluvial Aquifer extends also into
2 parts of Region 2 and Region 3.

3 COMMISSIONER BOLOURCHI:

4 I think the justification for separating the two
5 would be that the commission, whatever commission or
6 governing body or whatever, conservation commission,
7 they're going to have to come up with two separate
8 ways of looking at the water, the groundwater in north
9 Louisiana.

10 MR. HAMILTON:

11 Assuming there were problems in the Mississippi
12 River Alluvial area.

13 COMMISSIONER BOLOURCHI:

14 I'm not aware of any problems.

15 MR. HAMILTON:

16 I know. I'm just saying they would have to come
17 up with solutions if there were problems.

18 COMMISSIONER BOLOURCHI:

19 There's an area on the western side specifically,
20 the type of ground water that they use is different,
21 the recharge is different. So setting up one
22 procedure for the Sparta and trying to implement it in
23 the northeast on the Alluvial, it just would not work.

24 COMMISSIONER DURRETT:

25 One more question, then I'll quit asking
26 questions. You recommended the moving of the
27 management of the groundwater from DOTD to DNR, and
28 I'm not arguing whether we should or shouldn't. I
29 just wonder what we do with all the knowledge at DOTD
30 that we have of groundwater over the last how many

1 years and how does that work into the plan?

2 MR. DARLING:

3 That comes with it.

4 COMMISSIONER DURRETT:

5 Pardon?

6 MR. DARLING:

7 That should come with it.

8 MR. HAMILTON:

9 We would hope that we can bring that knowledge
10 and information and some of those employees over. Of
11 course, we don't have any say about that, but that is
12 our intent, that we certainly don't want to lose that
13 knowledge, because there has been a big base of
14 knowledge built up over there. The databases would
15 come over, but more importantly the workings of the
16 program, the registration, the details, the inspectors
17 that go out in the field and verify things. We would
18 hope we would be able to make use of those same
19 resources.

20 COMMISSIONER DURRETT:

21 But that's not mentioned in here. I didn't know
22 what you had planned to do.

23 MR. HAMILTON:

24 I don't know if it's our place. We can recommend
25 it, but that's almost one of those things the
26 Legislature and the departments are going to have to
27 work out.

28 COMMISSIONER GAUTREAUX:

29 It might be helpful to mention that's what it is
30 anticipated in the recommendations, because I think

1 that will be a question that a lot of people wonder
2 about.

3 MR. HAMILTON:

4 Very good.

5 MR. DARLING:

6 It's our intent to preserve the institutional
7 memory that you're talking about. You can't make this
8 work if you don't do that.

9 COMMISSIONER DURRETT:

10 I agree. I just didn't see it in here. It was
11 just a question.

12 COMMISSIONER GAUTREAUX:

13 Dean, you had a comment or question?

14 COMMISSIONER LOWE:

15 Yeah, I would like to go back in Bo's
16 observation. It seems to me, if I remember correctly,
17 that you have some experience cross -- cross-regional
18 experience with aquifers in Texas where some of the
19 water districts, maybe adjoining water districts,
20 control parts of an aquifer. My question is, how does
21 that work there? Is it a problem for them to work
22 together with it separated?

23 MR. DARLING:

24 In Texas?

25 COMMISSIONER LOWE:

26 In Texas, yes.

27 MR. DARLING:

28 Well, the Texas system on paper looks good, but
29 the problem with Texas is it tends to be highly
30 fragmented because many of the underground water

1 conservation districts cover only a single county.
2 From my experience working with the districts, and
3 I've helped set some of these districts up. I know
4 what their goals are. I know what their intentions
5 are. Many of them, adjoining districts, don't work
6 together. Our argument has been for a long time that
7 many of these districts need to be consolidated for a
8 number of reasons: one, the aquifers don't -- the flow
9 in aquifers doesn't obey political boundaries, for
10 example; secondly, when you look at trying to fund
11 some of these districts in Texas, they would be much
12 better off if they combined their resources from
13 adjoining counties as opposed to relying upon
14 individual counties.

15 The areas where it tends to work best, Dean, are
16 areas where you have districts that cover multiple
17 counties. These will be some of the districts up in
18 the panhandle, such as the Canadian River Municipal
19 Water District, and also the Colorado River Municipal
20 Water District. I'm not quite so optimistic about the
21 ability of the single county districts to function as
22 they should, mainly because they just don't tend to
23 cooperate with their neighboring -- with their
24 neighboring underground water districts very
25 effectively. They tend to take a very insular view of
26 many of the water resource issues. And it's been my
27 view for many years, and I think just any -- most
28 hydrologists would agree that you have to take a
29 broader view of aquifer management if you're going to
30 manage these things effectively.

1 So to answer your question, to sum it up, the
2 Texas system is fragmented. Where it works best, it
3 works best where those districts cover multiple
4 counties. Where I think it falls apart is where you
5 have individual districts that work on their own
6 without working in conjunction with other neighboring
7 districts. What we're trying to do here, really, is
8 ensure that you have a broader view of these
9 groundwater issues to avoid the idea that you can
10 manage an aquifer effectively by having a district
11 that focuses on a particular parish or just a couple
12 three parishes.

13 COMMISSIONER LOWE:

14 That was my question. As it sits right now, part
15 of the Mississippi, and by the way, for everybody's
16 information, the Mississippi Alluvial Aquifer is the
17 only aquifer in this state that's not identified as
18 sole source aquifer, EPA sole source aquifer. And
19 yes, it has very different usages. What my question
20 was, is there some objection to creating one district
21 that extends across into, say, from Region 1 into
22 Region 3? Just to pluck out a piece of it.

23 MR. DARLING:

24 In other words, to cover the Mississippi Alluvial
25 Aquifer?

26 COMMISSIONER LOWE:

27 Yes. Is there some thing that you can see that
28 would be disadvantageous to something like that, that
29 would be counterproductive?

30 MR. DARLING:

1 As you move down into Region 2 and Region 3, you
2 find that the Alluvial Aquifer is pretty well an area
3 that's hydrologically connected with the Chicot on the
4 one hand and also with the Southern Hills on the
5 other. And so it's not a matter of treating the
6 Alluvial Aquifer as a separate system down there.
7 It's a system that's integrated with the major
8 aquifers in Region 2 and Region 3. So if there's an
9 argument not to separate it there it's because you do
10 have that element of continuity between the Alluvial
11 Aquifer and the Chicot in Region 2, and the Southern
12 Hills in Region 3.

13 COMMISSIONER LOWE:

14 You've hit on what I was really trying to drive
15 at. It seems to me that what we need to do is set up
16 some kind of thing, and you feel like that inclusion
17 in the region, I don't see any objections to that, of
18 the part of the aquifer that needs management most,
19 which is the upper part or the upgradient part of
20 that.

21 MR. DARLING:

22 That's where the heaviest pumpage from the
23 Alluvial Aquifer is. The farming community in
24 particular relies heavily on the Alluvial Aquifer up
25 there. But it's a very different type of aquifer from
26 the Sparta. It responds much more quickly to
27 cessations of pumpage. It recharges very quickly.
28 It's also in hydrologic continuity with the
29 Mississippi River. So it doesn't have quite the same
30 problems that the -- and management issues that the

1 Sparta does.

2 COMMISSIONER LOWE:

3 Thank you.

4 COMMISSIONER GAUTREAUX:

5 Any other questions or comments from the
6 Commissioners? John?

7 COMMISSIONER ROUSSEL:

8 I've got one suggestion, and I've by no means
9 read it cover to cover, and I'm going to have probably
10 some specific comments that I'll provide to you in
11 writing. But one general suggestion I'll make, I
12 think that the use of three terms, and the terms being
13 groundwater, the term water resources, and the term
14 surface water, I think have been used interchangeably
15 and I think somewhat loosely in some of the sections.
16 And I would suggest that you do a word search for
17 those three terms, and where you make a transition
18 from the use of the word groundwater to one of those
19 other alternative terms, you make sure that there is
20 sufficient explanation or rationale as to how you made
21 that transition.

22 I'll give you a specific example. When you
23 talked in the context of your agency recommendations,
24 most of the discussion and justification was in the
25 term of groundwater, but when you came to actually
26 saying what would be the function of that agency, you
27 said it would make all state policy regarding water.
28 And you have the big coastal initiative in the state
29 of Louisiana, which is a big roleplayer in water
30 policy. You have flood control issues that are a big

1 roleplayer in water policy, and I think the report is
2 deficient in making that distinction and making that
3 transition, and at least explaining how you make that
4 transition.

5 Now, I know I'm asking for something that's
6 pretty much difficult because when you make the jump
7 from groundwater, planning for groundwater to planning
8 for all water, I mean, it's like dealing with the Holy
9 Grail. I understand that. But I think the report has
10 to at least recognize that. It doesn't have to give
11 the answer, but it has to recognize that, because I
12 think the policymakers that are going to use this to
13 make decisions, that needs to be pointed out to them,
14 because we don't want them to step in a place and not
15 realize where they're stepping. So I would suggest
16 that the report try to beef up that particular area.

17 MR. SONNIER:

18 If I could respond to that. In the sample
19 legislation that we will be proposing, and already
20 included in some of the water legislation we already
21 have, there are very specific provisions about what
22 jurisdiction water resources has as opposed to Coastal
23 Zone Management, and to other agencies, such as DEQ
24 and such as Wildlife and Fisheries. It's very
25 specific jurisdictions. Of course, water resources
26 dealing with surface water is going to be to the
27 extent as 446 pointed out that we can make alternative
28 use to conserve groundwater.

29 So the legislation that we'll be proposing, we'll
30 try to make it clear that you have a limited

1 jurisdiction to deal with these issues. We are
2 recommending that we have water resources management
3 districts, office of water resources, or division of
4 water resources, but it will be in the context
5 primarily of employing and utilizing, and planning and
6 management of surface water to the extent that it
7 plays the pivotal role of conserving groundwater
8 resources.

9 COMMISSIONER ZAUNBRECHER:

10 Do you envision this as the Commission or
11 district or whatever looking for sources of
12 groundwater -- I mean, surface water to get it to
13 critical areas, or initiating --

14 MR. DARLING:

15 I think we look at the commission as being a body
16 that will do what it can within the context of law in
17 Louisiana to encourage the use of surface water as an
18 alternative. I don't think that it's the commission's
19 job to look for --

20 COMMISSIONER ZAUNBRECHER:

21 Or find ways to get it where it needs to go?

22 MR. DARLING:

23 No. But I think it's the commission's job to
24 help facilitate, where it can, the use of surface
25 water as an alternative for groundwater.

26 COMMISSIONER ZAUNBRECHER:

27 Thank you.

28 COMMISSIONER CHUSTZ:

29 One quick question. If you could just expand a
30 little bit for me on page 11-23, 11.8.2.3, the second

1 paragraph, there is some discussion about the
2 responsibilities of the water resource division
3 regarding aquifer recharge area protection and surface
4 water issues as they arise. Could you just tell us
5 what you see that role being in light of other
6 programs that currently exist?

7 MR. HAMILTON:

8 I'm having trouble. Where is it now?

9 COMMISSIONER CHUSTZ:

10 Section 11.8.2.3, duties of the water resources
11 division, second paragraph, because recharge areas
12 sometimes span regional boundaries, water resource
13 division should be responsible for statewide aquifer
14 recharge area protection. Are you looking at things,
15 impermeable covers, or are you looking at sources of
16 contamination? What are we talking about?

17 MR. DARLING:

18 I think that covers -- that covers a lot of area,
19 issues. One, for example, the placement of hazardous
20 waste sites in recharge areas. That was something,
21 incidentally, that was ranked rather highly in the PFA
22 analysis in all regions. But also I think it's
23 incumbent upon the commission to consider the amount
24 of impervious cover in recharge areas. I know that
25 one of the issues that we covered, we beat to death in
26 Texas was the issue of the amount of impervious cover
27 in sensitive recharge areas of major aquifers.

28 I'm not sure in this case what this water
29 resources division could do. This is kind of a wish
30 list from our perspective. Our thoughts here are that

1 insofar as the resources division, water resources
2 division is charged with -- insofar as the water
3 resources division is charged with managing water
4 resources, it also has to look at surface water, at
5 surface issues. And one of the surface issues is
6 managing the recharge areas in some type of sensible
7 way that doesn't conflict with property rights, but
8 that also maintains an adequate recharge to the
9 aquifer so that the aquifer can be sustained at a
10 reasonable level.

11 I don't know that I'm -- it's a big area, and
12 perhaps we're not quite specific enough as we should
13 be, but I think long-term when you look at aquifer
14 management, you can't just pay attention to the
15 aquifer beneath the surface. You also have to look at
16 issues in recharge areas.

17 COMMISSIONER CHUSTZ:

18 I understand. I was just trying to understand
19 how that would fit in with existing programs. The
20 quantity issues certainly on the surface water I can
21 understand, and the impermeable cover, but fitting
22 those others in with the other protection program was
23 what I was trying to understand how they would work.

24 MR. DARLING:

25 I think right now that the responsibility for
26 controlling or for managing recharge areas really does
27 fall primarily within the purview of DEQ. DEQ does
28 have the licensing authority for hazardous waste
29 sites, for example. I'm not sure to what extent DEQ
30 considers or has considered or ever will consider the

1 effect of impervious cover in recharge areas. But
2 certainly when you look long-term at sustainability of
3 an aquifer, recharge is a major factor there, and the
4 need then to manage your recharge areas in some
5 sensible way is something that needs to be in the
6 minds of both DEQ and this water resources division
7 that we're proposing.

8 MR. SONNIER:

9 And I think as a matter of legislation, Act 446
10 itself and what we would be proposing states that all
11 Title 30 jurisdiction that is in DEQ remains with DEQ.
12 Anything that lies with DEQ is going to stay there.
13 But I think as a water resources division is created,
14 or office, that obviously when these issues arise as
15 to hazardous waste siting and things, that there's
16 going to be some recommendations coming out of that
17 particular agency once it is established.

18 COMMISSIONER GAUTREAUX:

19 I would imagine that some of this will be
20 creating a formal linkage or coordination mechanism as
21 much as anything else.

22 MR. DARLING:

23 Yes, we would hope that there would be some --
24 when maybe an application for a hazardous waste site
25 comes in to DEQ, we would hope that the comments, or
26 at least the water resource division would have
27 commenting power on it, even just to say, hey, we have
28 no objection to it, hey, you know, you're right in the
29 middle of a recharge area, you know, so that they have
30 a little bit of input, but it's still DEQ's -- it's

1 still their purview.

2 COMMISSIONER CHUSTZ:

3 And I think we currently do that with other
4 programs, and that would be a good way to work that
5 out is to work with those and get that comment and try
6 to protect those areas.

7 MR. SONNIER:

8 In the current legislation, the Office of Public
9 Works actually has a cooperative program with the
10 Department of Health and Hospitals on certain
11 municipal water systems.

12 COMMISSIONER GAUTREAUX:

13 We may just want to look at how that is suggested
14 in the report and see if we need to expand a little,
15 mentioning agency agreements such as MOAs.

16 Any other comments or questions?

17 (No response.)

18 Good discussion. Thank you. All right, old
19 business. Tony?

20 MR. DUPLÉCHIN:

21 This goes along with some of my earlier comments
22 on the implementation plan that we need to get to the
23 Capitol, House and Senate Natural Resources and
24 Environment Committees before the end of this year.
25 And I will go over briefly the things that are
26 mandated by Act 446 that would be included in the
27 management system.

28 One, an evaluation of the state's groundwater
29 resources including current and projected demands on
30 the aquifers of the state. Two, a determination of

1 data necessary to manage the state's water resources
2 and sources of that data. Three, a definition of
3 sustainability of aquifers which can be used to
4 determine critical groundwater areas and predict
5 critical groundwater areas. Four, a reassessment of
6 any area which may have been declared critical by the
7 Ground Water Management Commission. Five, development
8 of alternatives to groundwater use. Six, evaluation
9 of the state's surface water resources available for
10 development. Seven, use of surface water, recycling
11 of used or treated waters, identification and
12 development of surface water projects to meet future
13 and current demands. Eight, incentives for
14 conservation of surface water resources. Nine, use of
15 alternative technologies. Ten, development of an
16 education and conservation program. Eleven,
17 development of a program to provide mitigation for
18 loss of groundwater resources, and incentives to
19 transfer from groundwater sources to surface water
20 sources or alternative sources. Twelve, designation
21 of the appropriate state entity structure to manage
22 and protect the state's water resources.

23 Now, in our contract with C.H. Fenstermaker and
24 Associates, they have -- were directed to address all
25 of these items, but I must ask that you bear in mind
26 that their contract is for assistance in helping the
27 Commission, Task Force, and the Office of Conservation
28 develop this plan. The books that they have sent out
29 are background material for the plan that we're going
30 to be sending to the Legislature next year. And would

1 ask that the Commission bear in mind a few additional
2 things to go along with that. We will be sending
3 stuff out for the next meeting that we plan on
4 submitting to the Legislature by our deadline of the
5 first of January, and want to discuss those further at
6 our next meeting on the 13th, and possibly have the
7 Commission give a vote on that as to whether or not
8 they find that acceptable.

9 I would like the Commission to consider, as they
10 have today, how well the report by Fenstermaker and
11 Associates addresses these items, what portions of the
12 report that you would have addressed differently, and
13 how you would have addressed it differently, what
14 additional considerations need to be taken into
15 account, how should the State of Louisiana oversee
16 management of water resources, and each of you
17 represents a different water user group, would like
18 some good input on what group you represent wants to
19 see in management of water in the state of Louisiana,
20 what's going to be in this long-range system.

21 COMMISSIONER GAUTREAUX:

22 What we need to do and will do is E-mail this
23 framework to everybody on our mailing list and get
24 input from that in preparation for the next meeting.
25 If you see, again, any items that need to be
26 particularly addressed, from what I understand we'll
27 start trying to flush these out and ultimately the
28 Ground Water Management Commission will make
29 recommendations. We'll say this is our plan, and
30 certainly the consultants' work will serve as a

1 backdrop for that, but it may end up being different
2 than some of the recommendations. So if you would
3 start looking at that outline, see if there are items
4 that you would add or modify or delete, and we will be
5 discussing those further.

6 COMMISSIONER DURRETT:

7 Did I hear you say, Tony, that we're going to
8 vote on it on the 13th?

9 MR. DUPLÉCHIN:

10 We'd like to -- that's possibly our last time the
11 Commission will meet before this has to get to the
12 Legislature.

13 COMMISSIONER DURRETT:

14 When will we get it to look at before the 13th?

15 MR. DUPLÉCHIN:

16 Hopefully after the Thanksgiving holidays. We
17 have a lot of work to accomplish by then.

18 COMMISSIONER DURRETT:

19 The only discussion we will have is on the 13th?

20 COMMISSIONER GAUTREAUX:

21 We'll shoot for that being the primary
22 discussion, but if we need to reconvene we'll just
23 have to reconvene.

24 MR. DUPLÉCHIN:

25 As Karen had said earlier, the framework may go
26 out by the end of this year. But as Senator Hoyt had
27 allowed us an extra two weeks to get the final to
28 them, we would like to get as much of it done as we
29 can by the end of the year.

30 COMMISSIONER DURRETT:

1 But if we're voting on the 13th, then we'll
2 change it later?

3 COMMISSIONER GAUTREAUX:

4 No. What I would like to encourage, let me make
5 this clear, I want us to get a plan, the framework of
6 a plan that we agree on. If we're going to do
7 anything later, it would be perhaps expanding on some
8 of those items. I don't want us to send something and
9 say we may change it. I want us to have something
10 that we agree on as a Commission that we're providing
11 to the joint committees.

12 COMMISSIONER DURRETT:

13 That's fine. I just would like to have a little
14 time to look at it before the 13th.

15 COMMISSIONER GAUTREAUX:

16 Right. And if we need to meet between Christmas
17 and New Year's, I'll bring snacks. All right?

18 COMMISSIONER ROUSSEL:

19 Can I ask a question? This is just to clarify
20 time line. We have two meetings scheduled, one on the
21 4th and another on the 13th.

22 COMMISSIONER GAUTREAUX:

23 Right. And actually we have --

24 COMMISSIONER ROUSSEL:

25 So we will have two opportunities really to
26 discuss it.

27 COMMISSIONER GAUTREAUX:

28 We've also since the -- right. We've also since
29 the agenda was printed added an Advisory Task Force
30 meeting on the morning of December 13th, so

1 Commissioners are welcome to come to that as well for
2 discussion. So that's another opportunity.

3 COMMISSIONER ROUSSEL:

4 So, Tony, we can expect a draft before the 4th;
5 is that correct? So that on the 4th --

6 MR. DUPLÉCHIN:

7 I will definitely get you something before that.

8 COMMISSIONER ROUSSEL:

9 So that on the 4th we can, in addition to some
10 discussions on the consultant's report, we can also at
11 least have had a first draft and some discussion.

12 MR. DUPLÉCHIN:

13 Right.

14 COMMISSIONER GAUTREAUX:

15 Okay. What are we on at this point? New
16 business? All right, no new business. All right.
17 Questions and comments from the public?

18 (No response.)

19 I think we just touched on our schedule for the
20 next meetings. Are there any questions about that?

21 COMMISSIONER DURRETT:

22 Yes, let me make one comment. I was the one that
23 wanted the 4th in the afternoon, but if you want to
24 have it in the morning, I can accommodate that so it
25 doesn't make any difference to me. It doesn't matter.

26 COMMISSIONER GAUTREAUX:

27 We'll just leave it in the afternoon. I think a
28 lot of people have that on their schedule, but thank
29 you for offering. Especially, we were reminded how
30 far you have to travel recently.

1 COMMISSIONER DURRETT:

2 Those that came knows how far it is.

3 COMMISSIONER GAUTREAUX:

4 I did want it mention, I couldn't find my list a
5 little bit earlier, I wanted to thank our Task Force
6 members that were there, particularly Bill Branch,
7 Representative Daniel, Carl Roberts came for Senator
8 Cain whose wife had an accident that she's recovering
9 from; Brad Hanson, Renee de Hon, Buck Vandersteen,
10 Jess Barr, Steve Levine, and Kyle McCann. So we thank
11 all of those Task Force members. And Olivia was up
12 there as well, a Sparta Commissioner and also an
13 Advisory Task Force members. So we appreciated all of
14 your presence. Do I have a motion to adjourn?

15 COMMISSIONER SPICER:

16 I so move.

17 COMMISSIONER BAHR:

18 Second.

19 COMMISSIONER GAUTREAUX:

20 Brad, seconded by Len.

21 Thank you.

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CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting was held on November 22, 2002, in the Conservation Hearing Room, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages numbered 1 through 41, inclusive, constitute a true and correct transcript of the proceedings thereof.

SUZETTE M. MAGEE, CCR #93079

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